

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID THOMAS WARREN,

Petitioner,

vs.

CATHERINE CORTEZ MASTO,

Respondents.

Case No. 3:14-cv-00479-RCJ-VPC

ORDER

Petitioner has submitted an application to proceed in forma pauperis (#1), a request to file longer petition, and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court finds that petitioner is unable to pay the filing fee.

The court grants petitioner's request to file a longer petition, but petitioner will need to file an amended petition. Petitioner has named Catherine Cortez Masto, the Attorney General of the State of Nevada, as sole respondent. That is incorrect. Petitioner needs to name as respondent the officer who has custody over him, which is the warden of the prison where he is held. Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts.

Petitioner has submitted a letter (#4) asking the court to transfer this action to the unofficial southern division. The court denies the request. The court is capable of holding hearings in Las Vegas, if necessary, while still maintaining the action in the unofficial northern division.

IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

1 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
2 habeas corpus pursuant to 28 U.S.C. § 2254 and the request to file longer petition.

3 IT IS FURTHER ORDERED that the request to file longer petition is **GRANTED**.

4 IT IS FURTHER ORDERED that petitioner's request to transfer the action to the unofficial
5 southern division (#4) is **DENIED**.

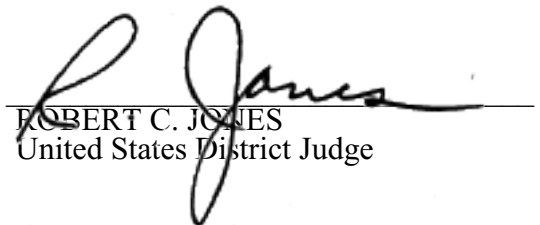
6 IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a petition for a
7 writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have
8 thirty (30) days from the date that this order is entered in which to file an amended petition to
9 correct the noted deficiency. Neither the foregoing deadline nor any extension thereof signifies or
10 will signify any implied finding of a basis for tolling during the time period established. Petitioner
11 at all times remains responsible for calculating the running of the federal limitation period and
12 timely asserting claims. Failure to comply with this order will result in the dismissal of this action.

13 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such
14 by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus
15 Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the docket
16 number, 3:14-cv-00479-RCJ-VPC, above the word "AMENDED."

17 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
18 General for the State of Nevada, as counsel for respondents.

19 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
20 copy of the petition and this order. Respondents' counsel shall enter a notice of appearance herein
21 within twenty (20) days of entry of this order, but no further response shall be required from
22 respondents until further order of the court.

23 Dated: November 19, 2014.

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27 ROBERT C. JONES
28 United States District Judge